IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

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**WRIT PETITION NO : 16302 of 2004**

Between:

Yarramsetti Narayana Swamy, S/o. Bhadraiah
R/o. Apparaopeta, H/o. Mustibanda,
Dammapeta Mandal, Khammam District.

**..... PETITIONER**

AND

1 The District Collector, Khammam, Khammam District.
2 The Mandal Revenue Officer, Dammapeta, Khammam District.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more one in the nature of Writ of Mandamus declaring the action of the respondent No.2 in issuing notices in Rc.No.B2618/2004 dt. 1.9.2004 and another notice issued under Section 7 of 1905 Madras 3rd Act as illegal, arbitrary and against the principles of natural justice.

**Counsel for the Petitioner:MR.KILARUKHADER BABA**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court at the stage of admission made the following ORDER:**

Heard the learned counsel for the petitioner and also learned Government Pleader for Revenue appearing for the respondents and they have no objection to dispose of the writ petition at the admission stage.

The petitioner claims to be the owner of the land to an extent of Acs.5-00 situated at Mustibanda Village, Dammapeta Mandal, Khammam District, in Survey No.394/8 and in recognition, pattedar passbooks and title deeds were also issued in his favour. He filed a suit in O.S.No.141 of 2004 before the Sub-Divisional Magistrate (Mobile Court), Bhadrachalam, against one Ramadevi and others, who are interfering with his possession, and obtained injunction in I.A.No.18 of 2004, dated 23-04-2004. Apart from the same, he obtained police protection to implement the injunction order passed in the said I.A. through orders dated 28-06-2004. At that stage, on the representation submitted by the said Ramadevi, the second respondent-Mandal Revenue Officer, Dammapeta issued a notice dated 01-09-2004 calling upon the petitioner to appear before him on 08-09-2004 with all necessary documents for enquiry. Followed by it, another notice dated 01-09-2004 under Section 7 of the 1905 Madras Act was also issued to him. Thereafter, he appeared before the second respondent on the said date of enquiry namely 08-09-2004 and submitted his explanation.

In view of the same, the second respondent has to complete the enquiry after due opportunity to the petitioner for enabling him to prove his ownership over the land in question by filing necessary documents and on such filing of the documents, if the second respondent passes any adverse order to the petitioner, the same shall not be implemented till the appeal period is expired from the date of service of such copy. Till such orders are passed, the petitioner is entitled to be in possession of the land in question in view of the pendency of the civil suit in O.S.No.141 of 2004.

In the light of the above observations, the second respondent shall not disturb the possession of the petitioner as long as the injunction order in I.A.No.18 of 2004 in O.S.No.141 of 2004, dated 23-04-2004 is in force.

The writ petition is accordingly disposed of. No costs.

13th SEPTEMBER, 2004.

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To

1 The District Collector, Khammam, Khammam District.
2 The Mandal Revenue Officer, Dammapeta, Khammam District.

3 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad. (OUT)

4 Two CD copies.